

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-139607-001 DT

04/08/2013

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

KRISTIN SHERMAN

v.

JUSTIN OTIS MCMAHAN (001)

VICTORIA ELISABETH WASHINGTON
GARRETT W SIMPSON

CAPITAL CASE MANAGER

MINUTE ENTRY

CR2007-133812-001 Jesus Arturo Martinez, Jr.
CR2009-160953-001 Rudolph John Cano, Jr.
CR2010-007882-001 Jasper Phillip Rushing
CR2010-007912-001 Darnell Reuna Jackson
CR2010-007912-002 Eldridge Auzzele Gittens
CR2010-048824-001 James Clayton Johnson
CR2011-005473-001 Abel Daniel Hidalgo
CR2011-008004-001 Dennis Michael Levis
CR2011-008004-002 Thomas Michael Riley
CR2011-138281-001 Jason Neil Noonkester
CR2011-140108-001 Jose Alejandro Acuna Valenzuela
CR2011-150239-001 Ryan William Foote
CR2011-151833-001 Jonathan Ray Cole
CR2012-007399-001 Zachary William Baxter
CR2012-139607-001 Justin Otis McMahan
CR2012-154880-001 Manuel Antonio Gonzalez

Defendants' Motions to Dismiss the Death Penalty in these cases have been consolidated before this Court for consideration. The Court has set oral argument on the consolidated Motions on April 19, 2013 at 10:30 a.m. The Court believes that in light of the number of

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Defendants involved, the presence of all the Defendants at the oral argument would create a significant security risk. Further, the Court believes that the oral argument involves purely issues of law, such that waiver of the Defendants' presence is appropriate under the circumstances. THEREFORE,

IT IS ORDERED that **on or before April 12, 2013**, defense counsel in each of the cases above shall file a Notice setting forth whether the Defendant waives his presence at the April 19 oral argument. The Notice shall be filed in each Defendant's particular case and in *State v. Gittens*, CR2010-007912 (002).

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.